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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/477,297	01/04/2000	JAMES R. TIGHE	062891.0381	9048

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EXAMINER
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BLOUNT, STEVEN

ART UNIT	PAPER NUMBER
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2661

DATE MAILED: 02/12/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/477,297

Applicant(s)

Tighe et al

Examiner

Blount

Group Art Unit

2661

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 11/17/03
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1, 4-11, 13-18, 20-21, 24-29 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1, 4-11, 13-18, 20-21, 24-29 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 138
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/17/03 has been entered.

#### ***Claim Rejections - 35 U.S.C. § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4 - 5, 7 - 9, 10 - 11, 13, 15 - 18, 20 - 21, 24 - 25, and 27 - 29 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent 6,449,269 to Edholm in view of U.S. patent 6,321,336 to Applegate et al.

With regard to claim 1, Edholm teaches a telephony system for communicating over the Internet. Edholm does not however teach the use of a "virtual telephony intermediary" between the telephony devices (Edholm does teach the use of an intermediary controller member which manipulates the data as described in col 3 lines 10 - 30 and also col 8, lines 20+, but this is not a

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“virtual” intermediary) with modification of the source address to that of the port of the virtual intermediary.

Applegate et al teaches a method for providing security between end users through the use of a virtual intermediary that provides source address translation to the port address of the firewall. See col 5, lines 55 to 60. Applegate also teaches, in col 7, lines 30+, performing a checksum “on the encapsulated material”. See also col 4, lines 60+, col 5 lines 5 - 20, and col 6 lines 20 - 30.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided Edholm with a virtual intermediary that provides source address translation, in light of the teachings of Applegate et al, in order to provide a means of securing the connection between the end users of the telephony devices in Edholm.

With regard to claim 4, see col 4 lines 60+ of Applegate, col 5 lines 15+, col 5, lines 55+, and col 6 lines 23+. See also col 7, lines 30+ of Edholm.

With regard to claim 5, see col 1 lines 25+ (UDP) of Edholm, and note streaming is mentioned in the abstract.

With regard to claims 7 - 8, see col 11 lines 20+ of Edholm, and also note unit 224 in figure 3.

With regard to claim 9, see col 8, lines 15 - 25 of Edholm (compression, echo canceling, etc) and also note col 7 lines 30+ of Applegate.

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With regard to claim 10, see the rejection above, and also figure 5 of Applegate (transmission module 372, and address translation module, FTP proxy 310, and also, in Edholm, and the data manipulator module, buffers 316, 318, 320, and DSP 310

With regard to claim 11, see the discussion of UDP above.

With regard to claim 13, again see col 5, lines 55+.

With regard to claim 15, see the rejection of claim 7 above.

With regard to claim 16, see the rejection of claim 8 above.

With regard to claim 17, see the rejection of claim 9 above.

With regard to claim 18, each of the limitations is discussed in the rejection of claim 10 above, and further note that telephony devices 300 are taught in Edholm.

With regard to claim 20, note the discussion of the controller 314 in col 8 lines 29+ of Edholm, and also note the discussion of session control block 364 (col 5 lines 45+) and the FTP proxy in col 6 lines 13+ and col 5 lines 45+ (in addition to the session control block 364) of Applegate.

With regard to claims 21, 24, 25, and 27 - 29, each of these process steps are discussed in the rejection of the apparatus claims above.

4. Claims 6, 14, and 26 are rejected under 35 U.S.C. 103(a) as being obvious over U.S. patent 6,449,269 to Edholm in view of U.S. patent 6,321,336 to Applegate et al as applied above, and further in view of U.S. patent 5,896,379 to Haber.

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Edholm/Applegate teach the invention as described above, but do not teach duplicating the telecommunication data. This is taught in Haber. See col 1 lines 48+ and also col 7 lines 25+. Note also that broadcasting is mentioned in Edholm in col 4, lines 27+.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have duplicated the data of Edholm/Applegate, in light of the teachings of Haber, in order to provide for the ability to broadcast a conversation to many end users.

***Response to Arguments***

5. Most of applicants arguments are moot in view of the new grounds of rejection. The examiner will note that associating ports and IP addresses, in addition to be fundamental to IP (as is mentioned in Applegate and Edholm) is mentioned in Applegate as described above, and is also mention in Edholm (col 7, line 39: the physical transport 330 may contain a dedicated port).

***Contact Information***

6. Examiner Blount may be contacted at the Patent Office between the hours of 9:00 am to 5:30 P.M. Monday through Friday. His phone number is (703) 305-0319.

  
**Ajit Patel**  
Primary Examiner

SB

  
2/3/04